

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VINCENT BERTOLINO, )

Plaintiff, )

-against- )

THE CITY OF NEW YORK; POLICE OFFICER )

LUIS CASTILLO, Shield No. 20688; POLICE )

OFFICER JORGE ROCA, Shield No. 17786; )

POLICE OFFICER DIANA ESCALERA, Shield )

No. 1699; POLICE OFFICER JOHN NUNEZ; )

JOHN DOE #1; POLICE LIEUTENANT VITO )

LABELLA; POLICE LIEUTENANT MICHAEL )

GULINELLO; POLICE OFFICER "FNU" [FIRST )

NAME UNKNOWN] LOPEZ; JOHN DOES; and )

RICHARD ROES, )

Defendants. )

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**REQUEST FOR ENTRY OF  
DEFAULT**

**15 Civ. 7327 (RJS)**

TO: RUBY J. KRAJICK, CLERK OF COURT  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Pursuant to Federal Rules of Civil Procedure Rule 55(a), Plaintiff Vincent Bertolino respectfully requests entry of default against all defendants for failure to respond to the Second Amended Complaint.

This action was commenced on September 16, 2015 by the filing of the Complaint (docket #1). On October 26, 2015 defendants City of New York, Diana Escalera, Luis Castillo, and John Nunez were each properly served with the Summons and Complaint (see, proof of service, docket # 12).

An Amended Complaint was filed on January 5, 2016 (docket #12). On January 11, 2016 defendant Jorge Roca was properly served with the summons and Amended Complaint (see, proof of service, docket # 16).

Pursuant to Judge Sullivan's Order dated March 4, 2016 (electronically docketed on March 7, 2016 as docket # 27), Plaintiff filed a Second Amended Complaint on March 7, 2016 (docket # 28). On June 3, 2016 defendants Vito Labella, Michael Gulinello, and Hector Lopez were properly served with the summons and Second Amended Complaint (see, proof of service, docket # 41).

On May 9, 2016 Judge Sullivan denied Defendants' motion to dismiss the Second Amended Complaint (docket # 36).

Pursuant to Fed.R.Civ.P. 15(a)(3), Defendants' answer to the Second Amended Complaint was therefore due 14 days later, on May 23, 2016.

None of the Defendants have answered the Second Amended Complaint and the time for Defendants to answer has expired.

Dated: New York, New York  
September 6, 2016

/S/ Jeffrey A. Rothman  
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Attorney for Plaintiff